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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,603	04/28/2000	Mark R. Sendo	SSO-10002/29	4629

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EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,603

Applicant(s)

SENDO ET AL.

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,9 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,9,18 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

STATUS

Claims 2-3, 9 and 18-22 remain pending.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

The Applicant's arguments filed on November 4, 2004 have been fully considered. The amended claims are rejected in view of the newly discovered reference Franklin et al. (US Patent 5,883,810).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowney et al. (US Patent 5,996,076) in view of Briscoe (US Patent 6,341,273) and further in view of Yacobi (US Patent 5,511,121) and further in view of Franklin et al. (US Patent 5,883,810).

As per claim 19,

Rowney et al. ('076) discloses a method of securely transferring data having a corresponding equivalent monetary value in a communications system including a first device having a first set of data encoded thereon, a second device having a second set of data thereon,

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and a third device having a third set of data encoded thereon, and a fourth device having a fourth set of data thereon, the method comprising the steps of:

Sending a request to the second device to perform a transaction via user interface (Column 14, lines 55-61).

transmitting the first set of data from the recordable media to the third device;(Figure 3—the merchant passes along data from the client, e.g. credit card information, thus the data is sent from the first device to the third device)

transmitting the first portion of the third set of data from the third device to the user interface;(Figure 3)

transmitting an instruction from the third device to the second device. (Column 15, lines 45-53)

transmitting a portion of the third set data to the fourth device for authentication purposes. (Column 15, lines 45-53)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit a second portion of the third set of data from the third device to the fourth device, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

transmitting an instruction from the fourth device to the second device whereby the second device completes the transaction request according to a predetermined process. (Column 15, lines 45-53)

Rowney et al. ('076) does not specifically disclose at the third device comparing the first set of data to the third set of data for verification purposes. Yacobi. ('121) discloses at the third device comparing the first set of data to the third set of data for verification purposes (Figure 3 – 1st data set is message 'm', third data set is Banks maintained list). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Rowney et al. method of electronic commerce with the Yacobi. ('121) method of using an electronic coin stick in order to prevent fraud.

Rowney et al. ('076) does not specifically disclose retrieving the first set of data from the recordable media at the first device wherein the first data set includes at least one non-reusable token being the equivalent to a monetary value. Briscoe. ('273) discloses retrieving the first set of data from the recordable media at the first device wherein the first data set includes at least one non-reusable token being the equivalent to a monetary value, (Figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Rowney et al. method of electronic commerce with the Briscoe. ('273) method of using an electronic coin stick in order to create an anonymous form of electronic money.

Rowney et al. ('076) does not specifically discloses transmitting the first set of data from the recordable media directly to the third device. Franklin et al. ('810) discloses transmitting the first set of data from the recordable media directly to the third device. (Column 2, lines 29-42; Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Rowney et al. method of electronic commerce with the Franklin et al. ('810) method of using an electronic coin stick in order to create an anonymous form of electronic money.

Allowable Subject Matter

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Claims 2-3, 9 and 18,20-22 are allowable over the prior art record.

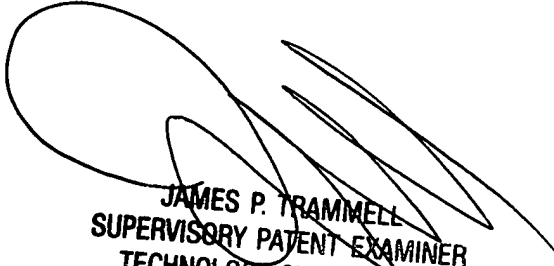
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW
January 9, 2005


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600